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EXAMINER

MCDONALD, SHANTESE L

ART UNIT	PAPER NUMBER
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3723

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10/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/588,433
Filing Date: August 04, 2006
Appellant(s): VAN EIBERGEN SANTHAGENS ET AL.

Michael J. Marcin
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/6/09 appealing from the Office action
mailed 4/14/09.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

WO 01/39937	Eibergen et al.	6-2001
5,882,862	Ferraro	10-1998

For the above reasons, it is believed that the rejections should be sustained.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Eibergen, (WO 01/39937).

Eibergen teaches a shaving device having a grip, 3, and a shaving head, 1, which is releasably mounted to the grip, (pg. 5, lines 10-11), the shaving head comprising at least two blade-shaped cutting members, 5, each having a straight cutting edge extending parallel to a longitudinal direction of the shaving head, each cutting member being supported in a cartridge of the shaving head by means of a supporting member supporting the respective cutting member in a supported area on the respective cutting member, the supported area extending over a predetermined distance perpendicular to the longitudinal direction, and each supporting member

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having a first portion in contact with the supported area remote from the cutting edge and a second portion in contact with the supported area near the cutting edge, (see attached marked figure), the first portion having a basic cross sectional area, seen perpendicularly to the longitudinal direction, and the second portion having a reduced cross-sectional area characterized in that the second portion of the supporting member of each of the cutting member extends over at least half of the predetermined distance. Eibergen also teaches that the second portion is a toothed portion, (fig. 2). (The Examiner notes that the supporting areas that extend from the sub frame, 9, are considered to be toothed, with each tooth supporting a section of a different blade, 5).

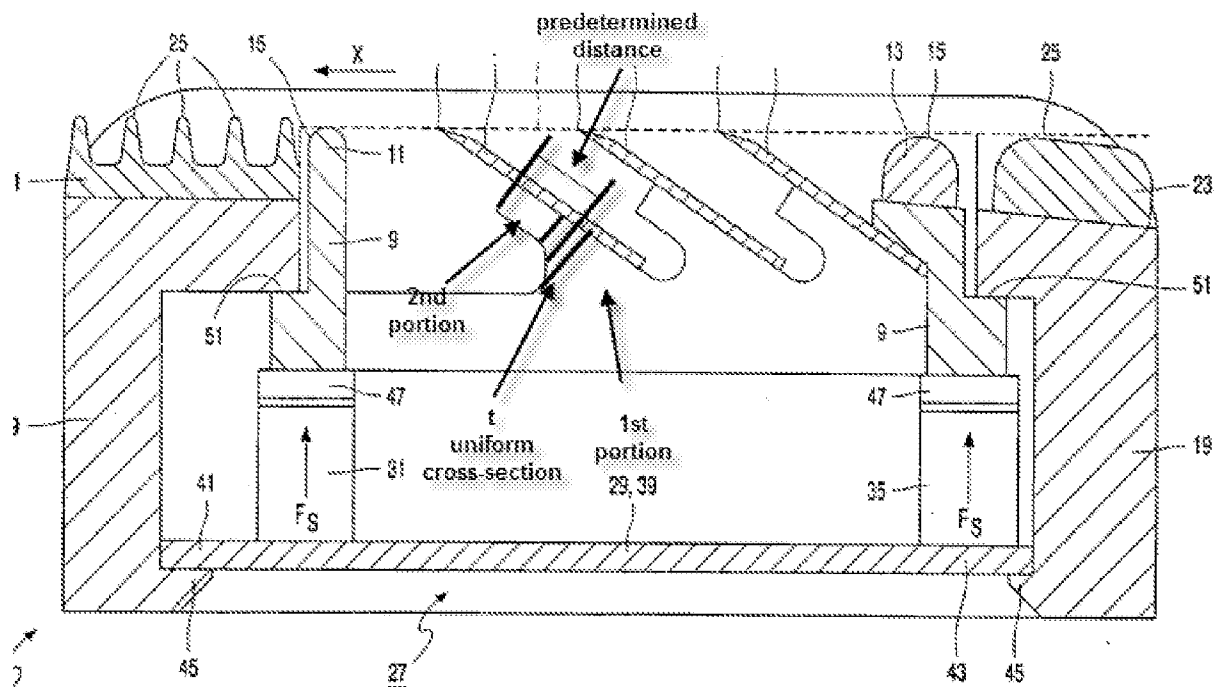


FIG. 2

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eibergen in view of Ferraro.

Eibergen teaches all the limitations of the claims except for the second portion being wedge-shaped. Ferraro teaches a wedge shaped supporting or second portion, 79. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tool of Eibergen with wedge shaped second portion, as taught by Ferraro, in order to enhance the supporting capabilities.

(10) Response to Argument

The Applicant argues that the second portion of Eibergen does not extend over at least half of the supported area, but only about one-third of the supported area. The Examiner disagrees. Claim 1 recites that the second portion extends over at least half of the predetermined distance. The Examiner notes that a predetermined distance has not been defined in the claims. Therefor the Examiner has shown in the above provided marked figure what is being considered to be the predetermined distance, and thus shows that the second portion does indeed extend over at least half of the predetermined distance.

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The Applicant also argues that the previously designated uniform cross-sectional area "t", as supplied in the previous marked figure is not included in the area that the Examiner defined as the first portion. The Examiner has modified the marked figure to show a uniform cross-section "t", provided in the first portion.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejection should be sustained.

Respectfully submitted,

S.L.M.

/Joseph J. Hail, III/

Supervisory Patent Examiner, Art Unit 3723

Conferees:

/Joseph J. Hail, III/

Supervisory Patent Examiner, Art Unit 3723

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724